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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,782	05/14/2001	Ikuya Monikawa	1081.1118	7025
21171	7590	04/21/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/853,782

Applicant(s)

MORIKAWA ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

This Office Action is in response to a communication made on February 28, 2005.

Claims 1-6 are pending in this application.

***Claim Objections***

Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 is dependent on claim 3 which is now dependent on claim 1 and claim 1 lists all the limitations that are present in claim 4, thus adds no new limitations and fails to further limit the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Gai (6167445).

Regarding claim 1, Gai discloses a communication setting management system for distributing communication characteristics setting to a plurality of communication

entities (Column 5, line 65 – Column 6, line 2), comprising: setting template entry/edit means for entering or editing a setting template that collects contents to be set for the communication entities (Column 12, lines 21 – 30; Column 12, lines 6 – 9), with reference to information on a concrete method of setting the communication entities; setting template storing means for storing each setting template entered or edited by the setting template entry/edit means (Column 8, lines 1 – 5); application rule entry/edit means for entering or editing application rules prescribing rules of which setting template is to be applied to a communication having a specific attribute (Column 12, lines 21 – 24); application rule storing means for storing each application rule entered or edited by entry/edit means; and the application rule retrieval and response corresponding application rule storing means in accordance with the attribute of a destination function means for selecting an application rule from the application rule storing means in accordance with an attribute of a corresponding destination communication entity (Column 12, lines 21 – 24), reading from the setting template storing means a setting template having a setting template name specified by the selected application rule, and distributing the read setting template to the corresponding destination communication entity (Column 6, lines 10 – 26; Column 13, line 63 – Column 14, line 4).

Regarding claim 3, Gai discloses that communication setting management system includes a plurality of management domains each having at least one communication entity (Column 6, lines 2 – 7), the management domains communicating via a network, and a communication setting management apparatus is disposed in each

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of the plurality of management domains (Column 10, lines 44 – 47), the communication setting management apparatus disposed in a corresponding management domain imparting on a management domain basis, a different communication characteristics settings to respective communications between communication entities belonging to different management domains, each communication characteristics setting being managed on a corresponding management domain basis (Column 10, lines 38 – 47).

Regarding claim 2, Gai discloses setting template collective entering means for collectively entering a group of previously defined setting templates into the setting template storing means (Column 13, line 63 – Column 14, line 4).

Regarding claim 5, Gai discloses a contradiction detection function unit for mutually interchanging information with a communication setting management apparatuses disposed in respective, different management domains, and detecting a contradiction between the information and the setting template and the application rule of its own management domain (Column 17, lines 33 – 44).

Regarding claim 6, Gai discloses a contradiction modification function unit for modifying a contradiction at the time when the contradiction is detected that a setting template or setting templates specified by the contradiction detection function unit according to the application rule to be the same, instead are not (Column 18, lines 32 – 35, where the policy translator handles conflicting roles and rules through priority).

### ***Response to Arguments***

Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive.

The applicant argues that the reference, Gai, does not disclose a “setting template entry-edit means for entering or editing a setting template that collects contents to be set for... communication entities...”. The examiner disagrees, as seen in the mapping in the rejection, Gai discloses a entering/edit means for setting templates that run policies for communication entities on Column 12, lines 21 – 24.

The applicant argues that the reference Gai, does not disclose application rules entry/edit means for entering or edition application rules for prescribing rules which setting template is to be applied to a communication having a specific attribute. The examiner disagrees, as seen in the reference Gai, Column 12, line 25 – Column 13, line 36, as part of Gai’s policy system, there exists application rules to identify traffic and applies the template or part of the template that should be used to classify the traffic and tells the communication entity to act accordingly.

The applicant also argues that the reference Gai, does not disclose a setting template, a setting management system, and a communication having a specific attribute. The examiner disagree, Gai discloses a setting template (Column 12, lines 21 – 24), a setting management system (Column 12, lines 6 – 9), and a communication having a specific attribute (Column 13, lines 1 – 14).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
April 8, 2005

*Bharat Barot*  
BHARAT BAROT  
PRIMARY EXAMINER